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BUDGET MAKING—DISCUSSION

JOHN A. FAIRLIE: Dr. Cleveland's interesting account of some of the external formalities of budget procedure in the Ontario parliament may easily give a misleading impression as to important and fundamental facts about budget methods in Canada and Great Britain. The Canadian and British budget systems are by no means identical with the plan proposed for this country. The proposed plan, too, while, perhaps necessarily, vague and indefinite in some respects, involves much more radical and revolutionary changes in American political organization than may appear on the surface.

It may be assumed that the Ontario procedure is referred to as an example of an executive budget, submitted to a legislative body, subject to the possibility of an election to determine a conflict between the executive and legislative. The Ontario budget is prepared under the direction of a cabinet of ministers holding offices comparable in some respects to executive offices in this country. But these ministers are also members of the legislative body and the political leaders of the majority in the legislature. The budget is thus, in fact, prepared, not by a strictly executive body, but by the coöperative action of the permanent executive officials and what is practically a committee of the most influential members of the legislature. This situation is also true in the other Canadian provinces, in the Dominion government, in all other British self-governing colonies, and in the government of the United Kingdom itself.

The proposal for the preparation of the budget by the executive without the active coöperation of the leading members of the legislature is not in accordance with the methods of British government, or of any parliamentary or cabinet government. It is more nearly analogous to the methods employed in Germany, where the executive is independent of the legislature, and the legislature has relatively little influence in the government.

Further, the possibility of a dissolution of the legislature in Ontario, or any British government, on the regular financial budget is at most a traditional convention, which has had no vital force for many decades. Dr. Cleveland himself noted that there has been no party change in the government of Ontario for nearly fifty years. So that the challenge of the provincial treasurer to the Opposition was mere *brutem fulmen*,—"a play to the galleries." In Great Britain, it may be questioned whether a dissolution has ever taken place on the budget alone. Indeed, since 1867, a dissolution on any question on account of a vote in

the House of Commons adverse to the cabinet has become a rare and unusual phenomenon. Just because the cabinet which submits the budget is composed of the leaders of the majority party it can rely on the substantial acceptance of the budget by its own political supporters.

In the recent instance when a parliamentary election was held because the House of Lords had declined to pass the budget of 1909, the issue was at once enlarged beyond the question of the passage of that budget to the constitutional question whether the House of Lords should continue to have power to prevent the passage of the budget. And the result was the enactment of a law definitely depriving the House of Lords of any such power.

It may safely be said that the passage of a comprehensive financial budget cannot, in modern governments, be ordinarily subject to the possibility of defeat or serious delay. The work of the government must be continued; and no budget system based on a popular election as anything more than an extraordinary measure in an extreme emergency is likely to operate successfully.

If the plan proposed were enacted into law in this country, it would suffer the disadvantage of trying to introduce by formal statute an erroneous conception of a system that has developed by tradition and custom. But if the proposal is to be seriously considered certain problems must be faced and definitely answered.

If considered with reference to our state governments, the question must be decided whether, in case of conflict between the governor and legislature, the decision is to be made by the dissolution of the legislature, by a recall of the governor, or by a direct referendum on alternative budgets. If the first of these methods is used, the result is more than likely to confirm the action of the legislature; and the executive budget will thereafter be ignored. If on a referendum or a recall of the governor, and the governor's budget is approved, the legislature will soon be reduced to an agency for ratifying the governor's proposals,—as has been the result in cities where the executive budget has been introduced. If this latter change in the American system of government is intended, it should be clearly understood beforehand, and not be brought about as an incidental result of a new budget system.

In the national government, the problem is more complicated. The Senate may refuse to pass a budget submitted by the President and approved by the House of Representatives. Will the decision then be made to depend on a dissolution and new election of the Senate, or of the House of Representatives, or on a recall of the President (decided by electoral votes) or on a direct referendum of all the voters in

the United States? Whichever method is adopted will vitally determine what is to be the dominant factor in the American national government. It means in any case radical changes in the relative influence and importance of the President, the Senate, and the House of Representatives,—not only in financial matters, but indirectly in the whole field of national legislation. Such changes should have a good deal of discussion from other points of view than that of the budget before the project is actively pressed.

It is clear, however, that the constitutional changes needed to introduce the proposed plan, at least in the national government, will not be adopted for a considerable period. The more pressing problem would therefore seem to be what improvements in budget methods can be made under our present constitutional system.

In the first place, the objections to the plan proposed are not meant to indicate opposition to increased executive participation in the preparation of the budget. The chief executive—or even better, the principal financial officer—should take an active part in revising estimates and preparing a comprehensive financial plan for each fiscal period. If possible this should be done in coöperation with the leaders of financial policy in the legislative body. There is a precedent for this in the early history of the present national government, when Madison, the recognized leader in the House of Representatives, met with President Washington and the chief executive officers. It does not appear impossible that any president on his own initiative could revive and develop this early practice, and apply it to the formulation of a financial budget.

Further, there should be important changes in legislative organization and procedure. There should be one central committee on finance, preferably one joint committee for both houses. Such a committee could coöperate with the executive in preparing the budget; or if this is not at once possible, it should consider the budget submitted by the executive, and report its proposed changes to the legislature in time to permit open discussion before final action is taken.

Further changes that can be made are included in the program proposed by Dr. Cleveland. The budget should be presented to the legislative body as a comprehensive plan, and should be given adequate discussion in committee of the whole. The chief executive officers should be allowed and expected to appear before the committee of the whole, and take part in the discussion. These proceedings would receive attention in the press, and publicity would thus be given to the alternative proposals.

Such changes can be introduced by action of the executive and

changes in the rules of the legislative bodies, without involving a radical reconstruction of the national or state constitutions. In the states, there is further need for a reorganization of the administrative authorities, most of which can be done by statute. The result would not be the British or Canadian system, nor the German system; but an adaptation of some of the best features of the methods of other countries to the American system of government. It would tend to concentrate responsibility, without completely centralizing the powers of government either in the executive or the legislature.

S. GALE LOWRIE: To the Sixty-fourth Congress, which has just convened, there have been presented estimates of needed funds \$170,000,000 in excess of the appropriations of last year. The demand for increased revenues has been constant. Whether we are advocates of increased armament and a more adequate system of defense, or whether we believe in more extensive internal improvements and a broader program of social legislation, the functions of our governmental services are, nevertheless, constantly making new drains on our public exchequer. Opposition to the imposition of taxes to meet these ever increasing burdens lies largely in the belief that the government is not employing the economy in the use of the public funds or the efficiency in the conduct of the public business which the country has a right to demand. The cost of our national government reached last year the enormous sum of \$1,115,000,000. Certainly it is only reasonable to require those charged with raising and disbursing this vast sum to employ the most careful planning, so that in the use of these funds the various services of the state may be assured support in accordance with their respective needs and that revenues may be available to meet the requirements of this program without imposing unnecessary financial burdens upon the people. We are justified in demanding what we have never as yet received, the most thoughtful estimating with respect to the preparation of the budget, the passage of the revenue and appropriation laws, and their execution; or, in other words, the use of scientific budgetary methods.

The formulation of the budget plan involves a most careful survey of the needs of the government for the next fiscal year. Those who prepare it must have in mind a program of what the administration proposes to do. It must be more than a list of departmental estimates—the entire purview of the state's activity must be contemplated, and a plan of work for the government determined upon. This is the first essential in any adequate budget system, but it has never been followed

in our national government or in any of our states. It is now the practice in the preparation of both national and state appropriation bills to consult administrative departments as to their needs, but no plan for the state as a whole is prepared. As Professor Ford says, the officer commissioned to submit these requests may be likened to a funnel through which departmental requests are poured upon the legislative body.¹ But these requests are inadequate; they must be correlated. We must have attention focused on the needs of the whole government as a unit, and in framing such a program departmental estimates may need adjustment.

In the conduct of our national government we have never appreciated the need of making our revenue plans fit our plans for expenditure, but we have oscillated between the extremes of inflated or depleted treasuries. The degree of this fluctuation is generally a fair test of the foresight with which the budget has been prepared. In England during normal times the variation between revenues received and appropriations authorized has usually been less than two per cent. In the history of government no satisfactory budget plan has been evolved where there is not presented periodically to the appropriating body a complete plan which cares for the services of the entire state and which also embodies a revenue program adequate for these needs.

But the chief cause of extravagance in our federal system of appropriations does not lie in the lack of an executive budget, costly as this may be, but in the fact that the consideration Congress gives the appropriations is so divided among committees that no adequate conception can be formed of the needs of the state in their entirety. In the lower house alone, not only are revenue measures divorced from the consideration given appropriation bills, but the appropriations themselves are divided among nine separate committees. In the Senate a similar condition prevails. No adequate conception of the fiscal program can be secured in this way. Even the division between the houses is inimical to a proper appreciation of the entire fiscal program. The most important step that can be taken to secure a proper point of view with respect to financial measures is the formation of a single joint finance committee of the two houses of Congress, through which committee alone revenue and appropriation measures will be considered and a proper coördination maintained. This plan has been adopted in a number of our states and the results have been salutary. Only in some such way can an intelligent approval be stamped on the

¹ H. J. Ford, *The Cost of Our National Government*, p. 12.

administrative program for expenditures and the proposals for raising revenue.

Scientific budget making, then, means scientific planning: the preparation and submission by the executive of a program for the conduct of the whole of the governmental services, including an estimate of the expense involved in their maintenance and a proposal for revenues to meet these expenses without the imposition of unnecessary taxation. It involves the approval of this program by the legislative body, and, to give this approval properly, there must be centered in a single committee the duty of considering it in its entirety both with respect to the authorization of appropriations and the means of raising revenues.

In seeking for examples of budgetary systems which have proven their worth we turn to governments organized after the parliamentary system, such as England, or to our cities, where alone in this country budget methods worthy of the name have been installed. But in attempting to adapt these practices for use in our state or federal governments care must be exercised lest we unknowingly install features suited only to governments with responsible ministries or where the legislative bodies are unicameral in form and are in constant touch with active constituencies,—as is generally the case in our municipalities. A most common error lies in attempting in governments organized upon the federal plan and with bicameral legislatures to support the permanent services of the state on a year-to-year basis. The danger of a curtailment of the government's functions by a slight majority of a single house, in spite of the wishes of the executive or of a majority of the legislative branch, is ever present under such a plan, and results in a control over the activities of the executive departments by what may be a legislative majority, which is inimical to good government. It also forces each governmental service to map out its work on an annual basis, even though its projects may require years to develop. Such a method is wasteful in its lack of perspective, as is the appropriation system which follows no well-matured program.

Our government has year after year postponed fiscal reforms which all close students of our political institutions have declared imperative. Twenty-seven years ago, Bryce in comparing our government with those of the old world wrote:

Every European state has to fear not only the rivalry but aggression of its neighbors. Even Britain . . . must maintain her system of government in full efficiency for war as well as for peace, and cannot afford to let her armaments decline, her finances become disordered, the vigour of her executive authority be impaired, sources of internal discord continue to prey upon

her vitals. But America lives in a world of her own. . . . Safe from attack, safe even from menace, she hears from afar the warring cries of European races and faiths, as the gods of Epicurus listened to the murmurs of the unhappy earth spread out beneath their golden dwellings. . . . This is why the Americans submit . . . to the defects of their government. . . . For the present at least—it may not always be so—she sails upon a summer sea.²

The time for action has now come. World events have forced upon our government the necessity of undertakings with which our appropriating system is totally unable to cope. It is imperative that we disregard the haphazard methods we have followed hitherto and install a budget plan adapted to our governmental machinery. Whether such a change leads us from our federal form toward the parliamentary one with its responsible ministry, as fiscal reforms in England from Magna Charta to the Lloyd-George budget have introduced the successive developments to the parliamentary system of our day, need not alarm us. The truest progress in government has been through the incorporation from time to time of expedients for curing particular evils rather than in the adoption of a large scheme as a conscious experiment.³ The expedient most needed today is a device which will permit careful planning in the raising and expenditure of the public funds. This is the function of the public budget.

F. A. CLEVELAND: Professor Fairlie begins his discussion with the following statement: "It may be assumed that the Ontario budget procedure is referred to as an example of an executive budget, submitted to a legislative body, subject to the possibility of an *election* to determine a conflict between the executive and legislative." This is a fair statement of a fundamental principle of budget procedure. The thought that underlies our constitutions, both state and national, is that the affairs of the people should be both well managed and managed in accordance with the will of a majority. To ensure these results, the personnel of management has been divided into three groups, namely: *executive officers*, to carry on the business authorized; *representatives*, who will meet from time to time in behalf of the people to review the acts and plans of executive officers; and an *electorate*, which is the final arbiter of all disputes over matters of public policy.

Representatives have no properties, no personnel, in their hands with which to carry on the business for which the government is organized. Being wholly without human or material resources, the device which has been adopted for enabling the representative body to impress its

² Bryce, *American Commonwealth* (1913), Vol. I, p. 309.

³ *Ibid.*, p. 305n.

will on those who have the machinery of government at their command is to place the determination both of what shall be done and of what funds shall be provided for carrying on the functions of government in their hands,—that is, to give to the representative body control over the purse. The purpose of a budget is to provide a means whereby representatives may force an accounting for past acts and have laid before them plans for future action before further funds are granted to executive officers with which to carry on the business.

The success of a budget practice therefore depends on three things: (1) *an accounting* for past action and the preparation of a *plan* for future action, by executive officers; (2) *critical review and discussion* of the accounts and plans of the executive, by those who meet as a representative body; (3) *a procedure* which will give publicity to what has been done and what is proposed; which will provide for open criticism, both of acts and proposals of the executive; which will also provide for determining whether a majority of representatives, and in last analysis a majority of the people, are in favor of giving further support to those who are in office.

This is the very essence of the representative system; accountability and planning, independent review and criticism, publicity and provision for ascertaining the will of a majority. And the principles underlying this practice are sound. The people can have no notion of the acts of representatives or of public officers without full publicity; representatives can neither intelligently prepare work plans for the government nor would they be qualified to sit in critical review of past acts and proposals if they do prepare such plans; executive officers are not in a position to explain or defend measures which they do not originate. These principles are common-sense conclusions that are exemplified in all representative undertakings that have been successful, whether public or private. In every case where those who conduct the business have not been required to lay before their board or representative body a record of past performances and a plan for future action, both the representative body and the electorate have floundered helplessly about and their action has been both unintelligent and disappointing. Such a requirement is necessary to the effective functioning of the critical and policy-determining personnel of management.

After stating what he assumes to be the major premise of my argument—which is accepted—Professor Fairlie makes three assertions about the Ontario analogy which presumably are intended to discredit it as a precedent to be followed even in its main provisions. These three assertions are as follows: (1) "The Ontario budget is prepared under

the direction of a cabinet of ministers holding offices comparable in some respects to executive offices in this country." (2) These ministers are also members of the legislative body." (3) The ministers are "the political leaders of the majority in the legislature." Then he draws this conclusion: "The budget is thus, in fact, prepared, not by a strictly executive body."

All of these statements of fact are accepted as true except the implication or innuendo noted in the first that goes with the phrase, "comparable in some respects to executive offices in this country." From this and the conclusion it is implied that the "cabinet ministers" are not "a strictly executive body." May not this be quite misleading? Professor Fairlie doubtless has in mind some difference between the status of executive officers in Canada and in the United States; but to say that our officers are executive and that their ministers are not executive is a somewhat bald assumption. As measured by every test of experience the ministers of Ontario are in every respect executives. In fact, they are more truly executive than are any of our officers in the states, more truly executive than the president's cabinet, and the prime minister is more truly executive than the president himself. They are as truly executive as are the president and heads of departments of our great private corporations.

Nor is there anything vital in the fact of their ministers being "members of the legislative body," except that thereby they are entitled to and it is their duty to attend the meetings of that body. This is exactly what an executive is entitled to do, and in fact is expected to do, in any corporation meeting, but they are expected not only to attend but also to be heard. There can be but little value assigned to the fact that they have, or have not, a right to vote. As a matter of experience it is found that an executive's right to vote or not to vote at a board meeting is not the important thing. The important thing is that he is present and that he has a right to be heard; that he is expected to take leadership in laying before the members of the representative body when they come together an account of past transactions and his plans for future action. This is not alone important to the executive; it is equally important to the representative body and to the electorate. The historic reason for the cabinet minister's being a member of the representative body in Canada is to be found in the monarchical and not in the representative system.

Professor Fairlie's observation that ministers are "the political leaders of the majority of the legislature" is also open to the same criticism when it carries with it the conclusion or implication that

therefore the ministers are not executives. The fact is that every executive who has a right to sit in a representative body and to be heard is, in the very nature of things, the leader of a majority. If he did not have a majority back of him he would not be there; and by the same token he would not be fit to be an executive. The chief reason for having a representative body is to come together from time to time to find out what has been done and to make decisions about the future. The only way that representatives can perform this function effectively is to have those who have been carrying on the business come before them, make a statement of affairs, and give them the benefit of their thinking about the future of the undertaking. When executives do come before the boards they come there holding a commission from the majority; they are chosen for their abilities as leaders. When their leadership is not supported, then good management requires that they resign or carry the question at issue to the stockholders or their electorate. This does not mean that they are any less executives; this is one of the essentials of an executive who is worthy of the name.

Professor Fairlie's conclusion that the financial plan when thus presented is not, in fact, prepared and presented by a strictly executive body, cannot be supported by fact or by any chain of reasoning that is consistent with good management. It is based on analogy drawn from systems of control that in every instance have proved failures and that have been subversive of the representative principle itself.

The further observation that "there has been one [only one] party change in the government of Ontario for nearly fifty years" and the conclusion "that the challenge of the provincial treasurer to the Opposition was mere *brutum fulmen*—a play to the galleries," are the results of reasoning from premises that are questioned. The facts to which attention should be called are these: that the executive could have been retired at any time; that the reason for only one party change was that, having been given full opportunity to know and to criticise, having full publicity given both to criticism and to discussion, the executive was able to keep a majority of the representatives of the people behind him. Likewise it is to be observed that the majority members who supported the executive were able to keep a majority of the electorate behind them.

The conclusions to be drawn are these: that a responsible executive leadership makes for *careful planning*; that a legislative procedure which provides for *full publicity* makes for continuity of management. That is, by requiring the executive at all times to keep a majority back of him and his plans, the people follow the government and support

the government. The mere fact that the finance bill is not the particular measure that is taken before the people at an election when a division occurs is of small moment. The thing that the critics of executive affairs bring to a test vote is more usually some matter of policy that may better be made a basis for popular appeal. The detailed questions of management are constantly the subject of criticism and publicity.

Professor Fairlie raises certain constitutional difficulties. "If," says he, "the proposal is to be seriously considered certain problems must be faced and definitely answered." The question raised by him is, "whether in case of conflict between the executive and the legislature the decision is to be made (a) by the dissolution of the legislature, (b) by the recall of the governor, or (c) by a direct referendum.

Comment on the first possibility immediately follows: "If the first of these methods is used the result is more than likely to confuse the action of the legislature."

True, but what of it? If the legislature is truly representative of public opinion, this should be the result. But a majority of the legislature does not always represent public opinion on the specific issue. A deadlock may have arisen on some question with respect to which the electorate has never expressed itself—and this is usually what happens. The procedure, however, is one which brings before the electorate a real live issue which the people can understand and concerning which they can express an opinion by a "yes" or "no" vote. It is a matter on which the facts and arguments of both sides have already been given wide publicity through the questions and answers to the arguments of leaders on the floor of the legislative branch. It brings before the public candidates who stand for real issues. The choice of the people is between men whose abilities as managers of public business have been tested and who stand out among other men that have been serving the public. When the vote is taken it not only is a declaration of policy but results in the selection of the most able man in public life. Comparison of this result with what obtains on this side of the line leaves nothing further to be said.

Professor Fairlie's comment on the second possibility is this: "If decision is to be made on referendum or recall of the governor and the governor's budget is approved, the legislature will soon be reduced to an agency for ratifying the governor's proposals." Again may we say, what of it? Is it better to ratify the individual proposals of from two to six hundred members of a legislative body representing local constituencies than it is to ratify the proposals of an executive who has

been elected by the whole people and who spends his whole time thinking about the business in hand? Is it better to ratify one or another of the proposals of men who have no responsibility whatever for administration and who have little or no contact with the current management of affairs? Which has produced better results in the past, the ratification of log-rolling proposals of individual members or the ratification of the well-considered plans of responsible executive leaders? Or is Professor Fairlie disturbed because the legislature on financial measures will be reduced to a ratifying agency? What else can a legislature do on matters of finance? Assuming that finance measures are initiated in a standing committee, is not the legislative body still a ratifying agency? But furthermore, when they ratify the proposals of their standing committee they do so in a very different frame of mind and as a result of a very different procedure than when they ratify the proposals of the executive. When the executive lays before them a measure for approval or disapproval they put themselves in a critical attitude, and members are given opportunity to ask questions openly of the executive and to have them answered publicly. Furthermore, the "committee-of-the-whole" procedure becomes an important factor and the floor of the legislature becomes an opportunity for the Opposition.

Where executive officers are required to lay before legislatures their proposals, publicity is the keynote of legislative procedure; where a legislative committee in the hands of a legislative majority leader that cannot be held responsible to the state or nation initiates the measure to be ratified, the procedure is one of "gag-rule," the purpose being to forestall criticism and to protect those who stand with this irresponsible leader. These are differences that are fundamental in their importance. There is nothing to be feared from the legislature being "reduced to an agency for ratifying executive proposals." The review, ratification, or rejection of executive proposals is what in last analysis the legislative branch has been created for so far as relates to matters of finance.

Professor Fairlie agrees that many of the essentials of a good budget practice can be developed gradually by statute or legislative procedure, without changing the Constitution. The thing that he argues for, however, is the creation of a joint commission or body, partly executive and partly legislative, to lay before the representative body a financial plan or budget. With this conclusion may I also take issue? There is little in experience to commend it, except as a temporizing measure. Without question a plan which confuses responsibility is better than no plan, as it gives some basis for consideration, discussion, and publicity

of the affairs of the government as a whole. I do not suggest that this should not be adopted if something better cannot be had. My point is that it is a weak and temporizing measure and never has and never will work out satisfactorily. Furthermore, in principle it is wrong. The historic reason and the institutional purposes of the representative system are to provide a means for making the executive, the one who has the machinery of government in his hands, responsive and responsible to the people.

Under monarchical systems the representative idea was forced on the executive not to deprive him of leadership, but to make his leadership responsible and responsive. The purpose was to control executive action and to make those who do things subservient to the will of those who are served. Where representative systems have been developed from pure democracies the reason for their adoption has lain in the inability of a numerous and widely scattered people to get together for the purpose of critical review, discussion, and approval or disapproval of the actions and proposals of their public officers. They therefore, being unable to come together at a common point and have their officers appear before them and give an account of themselves, created a representative body which would meet, and, for all intents and purposes, when meeting, would be the people. Furthermore, even when the people met together it was necessary to have it clearly understood who would have the right to voice the will of the majority—therefore the electorate.

The solution for our lack of financial planning, for our irresponsible, unresponsive, invisible, and wasteful government proposed by Professor Fairlie, is not, in my opinion, well adapted to the ends to be accomplished. By combining critical and executive functions, both are weakened. This principle is recognized in the administration of justice; it is recognized in all of our affairs in state and local governments where such an arrangement has been tried, although it may have been an improvement over what was before. With all of the subversive practices that have grown up with lack of leadership and lack of provision for enforcing responsibility, still the expedient has been unsuccessful. In New York State, for example, it proved an utter failure. In Wisconsin it has worked better, but nevertheless still confuses responsibility and does not give to the state responsible government. If the purpose is to make executive officers responsive and responsible, then having certain members of the court of public opinion sit down with the defendant to prepare his case is not going to contribute to public welfare.

If we are to make our legislatures effective for review, criticism, and approval or disapproval of executive action, two things must be done: (1) The executive must be required to come before the legislative body—the people in session—with a report of past acts and plans for future work, and be made to wait for future authority on their approval. (2) There must be a procedure which will give full publicity to legislative criticism as well as to legislative acts in order that our scheme of representative government may reach to the electorate as a part of the machinery of control. Both of these things must be done without constitutional amendment, but they will not be done without a public opinion that will demand them. The chief danger that goes with palliative makeshifts, however much they may alleviate present suffering, is that they allay distress without reaching the cause of the malady.